

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re:

RESIDENTIAL CAPITAL, LLC, *et al.*,

Debtors

Case No. 12-12020 (MG)

Chapter 11

Jointly Administered

DECLARATION OF TESSA K. SOMERS

Tessa K. Somers, under penalty of perjury, declares and states as follows:

1. I am an attorney with the law firm of Weiner Brodsky Kider PC, counsel for Defendant PHH Mortgage Corporation (“PHH Mortgage”) in the above-captioned matter. I submit this Declaration in conjunction with PHH Mortgage’s Objection to the Motion of the ResCap Liquidating Trust for an Order Enforcing Plan Injunction and Confirmation Order. The facts stated herein are based on my examination of the public records cited below.
2. Attached hereto as Exhibit 1 is a true and correct copy of Exhibit A to the Amended Complaint filed against PHH Mortgage in the United States District Court for the District of Minnesota by ResCap Liquidating Trust on April 17, 2015, under Case Number 14-cv-4701 (ECF No. 51-1).
3. Attached hereto as Exhibit 2 is a true and correct copy of the Amended Complaint filed against PHH Mortgage in the United States District Court for the District of Minnesota by ResCap Liquidating Trust on April 17, 2015, under Case Number 14-cv-4701 (ECF No. 51).

4. Attached hereto as Exhibit 3 is a true and correct copy of the Complaint filed against PHH Mortgage in the United States District Court for the District of Minnesota by Residential Funding Company, LLC on December 14, 2013, under Case Number 13-cv-3503 (ECF No. 1).
5. Attached hereto as Exhibit 4 is a true and correct copy of the Notice of Dismissal filed by Residential Funding Company, LLC in the United States District Court for the District of Minnesota on February 28, 2014, under Case Number 13-cv-3503 (ECF No. 20).
6. Attached hereto as Exhibit 5 is a true and correct copy of the Complaint filed against PHH Mortgage in the United States Bankruptcy Court for the Southern District of New York by ResCap Liquidating Trust on May 31, 2014, under Case Number 14-2008 (ECF No. 1).
7. Attached hereto as Exhibit 6 is a true and correct copy of Judge John G. Koeltl's order granting PHH Mortgage's Motion to Withdraw the Bankruptcy Reference and Transfer Venue to the District of Minnesota, *RFC v. PHH Mortg. Corp.*, 518 B.R. 259 (S.D.N.Y. 2014).
8. Attached hereto as Exhibit 7 is a true and correct copy of the order denying Residential Funding Company, LLC's Motion to Transfer Venue to the U.S. District Court for the Southern District of New York, *RFC v. First Guar. Mortg. Corp.*, No. 13-cv-3514, 2014 U.S. Dist. LEXIS 182287 (D. Minn. May 13, 2014).
9. Attached hereto as Exhibit 8 is a true and correct copy of the order granting CMG Mortgage, Inc.'s Motion to Withdraw the Bankruptcy Reference and Transfer Venue to the District of Minnesota, *RFC v. CMG Mortg., Inc.*, No. 14-cv-4950, 2014 U.S. Dist. LEXIS 127744 (S.D.N.Y. Sept. 10, 2014).

10. Attached hereto as Exhibit 9 is a true and correct copy of the September 16, 2014

stipulation and order between ResCap Liquidating Trust and Cadence Bank, N.A., f/k/a
Encore Bank, N.A., to transfer venue to the District of Minnesota, *RFC v. Cadence Bank,*
N.A., f/k/a Encore Bank, N.A., Case No. 14-cv-5250 (RA), ECF No. 42 (S.D.N.Y.).

11. Attached hereto as Exhibit 10 is a true and correct copy of ResCap Liquidating Trust's
Opposition to PHH Mortgage's Motion to Dismiss, filed in the United States District
Court for the District of Minnesota on April 21, 2015, under Case Number 13-cv-3451
(ECF No. 385).

FURTHER DECLARANT SAYETH NOT

Dated: August 31, 2015

Respectfully submitted,

/s/ Tessa K. Somers

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